

REMARKS

This is in response to the Official Action currently outstanding in the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 1-34 were originally presented. Previously, Claims 1-25 were elected for further prosecution and Claims 26-34 were cancelled, without prejudice. Also, Claims 2 and 9 were amended, Claims 35 – 45 were added by a previous Amendment. Subsequently, Claim 23 was amended, and Claims 4 and 7 were canceled, without prejudice. The present Amendment proposes that Claims 2-3, 6, 11, 13, 15, 17, 19, 21, 23 and 25 be canceled, without prejudice. Accordingly, in the event that the foregoing Amendment is granted entry by the Examiner, the claims under active prosecution in this application will be previously allowed Claims 1, 5, 8 – 10, 12, 14, 16, 18, 20, 22, 24 and 35 – 45.

The claims as they will stand upon the entry of the foregoing Amendment are set forth in full hereinabove as required by the Rules.

In the currently outstanding Official Action, the Examiner has:

1. Acknowledge Applicants' claim of foreign priority under 35 USC 119(a)-(d), or to confirmed the safe receipt of the priority document for this application by the United States Patent and Trademark Office; however, Applicants note that the Examiner previously acknowledged these documents in this prosecution.

2. Indicated that Claims 1, 5, 8-10, 12, 14, 16, 18, 20, 22, 24 and 35-45 are allowed;
3. Withdrawn his previous rejection of Claims 2-3, 6, 11, 13, 15, 17, 19, 21, 23 and 25 under 35 USC 112, first paragraph, as failing to comply with the written description requirement in that the rejected claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors at the time that the application was filed had possession of the claimed invention;
3. The drawings as filed on 24 March 2003 previously have been accepted by the Examiner;
4. Finally rejected Claim 2 under 35 USC 103(a) as being unpatentable over the Cairns, et al. reference (U.S. Patent No. 6,266,041);
5. Finally, rejected Claims 3, 6, 11, 13, 15, 17, 19 and 21 under 35 USC 103(a) as being unpatentable over the Cairns, et al. reference in view of the Ogawa reference (U.S. Patent 6,018,331);
6. Finally rejected Claims 23 and 25 under 35 USC 103(a) as being Unpatentable over the Cairns, et al. reference in view of the Ogawa reference, and the Ino, et al reference (U.S. Patent 5,903,014); and

7. Provided Applicants with a Statement of his Response to Applicants' previous arguments wherein he indicates that Applicants' previous arguments have been considered and are deemed to be persuasive regarding his earlier 35 USC 112 rejection, but otherwise maintained his rejections of Claims 2-3, 6, 11, 13, 15, 17, 19, 21, 23 and 25.

Applicants respectfully submit that in the event that the Examiner grants entry to the foregoing Amendment After Final Rejection Under 37 CFR 1.116, this application will be in condition for allowance.

More specifically, the foregoing Amendment proposes that all currently rejected claims (namely, Claims 2-3, 6, 11, 13, 15, 17, 19, 21, 23 and 25) be canceled, without prejudice. Applicants therefore respectfully submit that if allowed entry by the Examiner, this Amendment will remove any possible basis for the Examiner's previous rejection under 35 USC 112 (now withdrawn by the Examiner), and also will result in the presence of only previously allowed claims in this application. Further, since all formal matters such as drawing acceptance, priority claim acknowledgement, priority document submission and so on have been satisfactorily completed, Applicants respectfully submit that if the Examiner allows the entry of the foregoing Amendment this application will be in condition for immediate allowance.

Consequently, entry of the foregoing Amendment, reconsideration, and allowance of this application in response to this communication all are respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: November 2, 2004

David A. Tucker
SIGNATURE OF PRACTITIONER

Reg. No. 27,840

David A. Tucker
(type or print name of practitioner)
Attorney for Applicant

Tel. No. (617) 517-5508

Edwards & Angell, LLP
P. O. Box 55874
P.O. Address

Customer No. 21874

Boston, MA 02205

464793